

May 19, 1985

Dear Recipient:

Early this year, when I filed a pro se petition with the federal appeals court for an en banc rehearing in an FOIA lawsuit in which the FBI prevailed by overt lying partially documented in the petition and its amendments, I sent you copies in the hope, if not the belief, that there might be some element of the major media not completely inured to official mendacity and judicial acceptance of it. I also hoped that some of you might see that in time the bell might toll for you - as before that court it since has for the Washington Post. I do not know whether any of you had any interest or filed what I sent, so I update you all.


The appeals court did not notify me of its decision and to this day has not. Instead, it sent copies of its two attached Orders to the lawyer who represented me before the panel but not in that petition. Recently I received the enclosures from him.

Meanwhile, the costs assessed against me - for refusing to provide under "discovery" duplicate xeroxes of about two file drawers of material I had already provided voluntarily - continue to mount. My lawyer before the district court also is subjected to sanctions - because I refused to take his advice - and he is additionally charged with "obstruction" because he filed a perfectly proper and legitimate appeal.

In addition to the precedent of sanctions against counsel when his client does not accept his advice, there is the new FOIA precedent, that the federal agencies are entitled to exercise discovery, regardless of existing law and regulations, before making and attesting to the required searches and regardless of the burdensomeness, cost and lack of need of any discovery.

To now the costs assessed and to increase - assessed without hearing, trial, finding of fact or even a shred of evidence - will take almost three years of my Social Security checks, or 100 percent of my one IRA. As of now, more than 35 percent of my Social Security check goes to pay my medical costs. If I do not opt jail as the less costly - and principled - alternative, at 72 and without the coming escalation of the already inflated charges, maybe I can expect to live long enough to satisfy the FBI, Department of Justice and the activist Reaganized courts.

Concepts of what is and is not "news" has changed since my personal experience with them beginning 55 years ago.


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